

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ENID HILL,

Plaintiff,

v.

CBRE

Defendant.

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Case No. 4:18-cv-00309-HEA

PLAINTIFF'S FIRST AMENDED COMPLAINT

COMES NOW Plaintiff, Enid Hill, by and through counsel, and for her claim against Defendant, CBRE states as follows:

1. Plaintiff is a resident of St. Louis County, Missouri.
2. Defendant is a resident of St. Louis County, Missouri and the claim arose in St. Louis County, Missouri.
3. Venue is proper pursuant to R.S.Mo. § 508.010.4.
4. Defendant is an employer within the meaning of the Missouri Human Rights Act, R.S.Mo. § 213.010(7) in that Defendant employs six (6) or more persons in the State of Missouri.
5. Plaintiff was hired by Defendant on July 12, 2013 as a Receptionist.
6. That as early as March 10, 2016, Plaintiff logged written complaints about being isolated from company events; having job instructions withheld while provided to other employees to adversely affect Plaintiff's job performance; and denied overtime pay/compensation time which was granted to other employees.
7. That after repeated written complaints which included receiving overtime pay/compensation, Plaintiff received back overtime pay on May 9, 2016.

8. That on May 13, 2016, Defendant terminated Plaintiff's employment.
9. That Plaintiff's termination by Defendant was based on race and age discrimination in retaliation for filing multiple complaints in violation of the Missouri Human Rights Act § 213.055, 213.070.
10. That Plaintiff's termination by Defendant was also in retaliation for filing multiple charges about receiving overtime pay/compensation in violation of R.S.Mo. § 290.505 arising out of the public policy exception to at-will employment in accordance with *Fleshner v. Pepose Vision Institute, P.C.* 304 S.W.3d 81, 92 (Mo. Banc 2010).
11. That on or about August 24, 2016, Plaintiff filed a charge of retaliation discrimination against Defendant with the Equal Employment Opportunity Commission (EEOC 28E-2016-01674) and the Missouri Commission on Human Rights (MCHR E-8/16-47167).
12. That on September 28, 2017, Plaintiff was notified by the EEOC that she may institute a civil action against Defendant.
13. That on November 8, 2017, Plaintiff was notified by the MCHR that she may institute a civil action against Defendant.
14. That Plaintiff has exhausted her administrative remedies.
15. That Defendant intentionally engaged in an unlawful employment practice, in violation of the Missouri Human Rights Act, Chapter 213 *et seq.*, as amended (MHRA, by terminating Plaintiff for filing multiple charges about receiving overtime pay/compensation.
16. As a direct and proximate result of Defendant's conduct, Plaintiff has lost, and will continue to lose, compensation and benefits of employment and has and will continue to suffer emotional pain, humiliation, embarrassment, mental anguish and loss of enjoyment of life, unless equitable relief is granted.

17. Defendant's actions were intentional, willful, wanton, malicious and/or outrageous because of their evil motive and/or reckless indifference to the rights of Plaintiff under the MHRA, entitling Plaintiff to punitive damages.

18. As a result of Defendant's unlawful employment practices, Plaintiff has incurred and will continue to incur reasonable attorney's fees and costs in connection with this matter.

WHEREFORE, Plaintiff prays that this Court, after a trial by jury, find that Defendant has engaged in an unlawful employment practice under the laws of the State of Missouri and grant Plaintiff judgment against Defendant in an amount sufficient to compensate Plaintiff for physical, mental and emotional anguish and injury, lost wages and lost benefits; award Plaintiff punitive damages in an amount sufficient to punish Defendant and deter such conduct in the future; order Defendant to pay all costs of this suit including reasonable attorney fees; and grant any further relief that the Court deems just and proper.

Respectfully submitted,

By /s/ Vincent A. Banks III
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